

REMARKS

This response is to the Office Action dated February 8, 2005. Claims 1, 3, 11, 16, and 27 have been amended. New claim 28 is prior claim 2 written in independent form. New claim 29 has been added regarding a method of use. Fig. 9 has been amended. The specification has also been amended related to Fig. 9.

In response to the drawing objection on page 2, a corrected Fig. 9 is attached. The corrected Fig. 9 includes reference numeral 421. Applicant respectfully submits the drawings are no longer objectionable for the reasons stated in the Office Action. The corresponding text in the specification has been amended to correct inconsistencies regarding part names and reference numbers for Fig. 9.

On pages 2 and 3 of the Office Action, claims 1, 3, 4, 5, 7 and 8 were rejected under 35 U.S.C. §102(b) as being anticipated by Faidi. Claim 1 is directed to a watercraft storage apparatus including an inflatable portion that surrounds the sides and the bow of the watercraft above the waterline. The inflatable portion is sized to provide protection of an above waterline section of the hull from damage that can be caused from wave action or from other objects striking or coming into contact with the hull. A flexible, water-impervious, lower sheet section is attached to the inflatable portion. The lower sheet section envelops the under waterline section of the hull. A movable aft section is mounted to the inflatable portion. The aft section allows for entry and exit of the watercraft from an area bounded by the inflatable portion and the aft section. Applicant has amended claim 1 to further recite details regarding the inflatable portion and the movable aft section of the watercraft storage apparatus.

Claim 1 has been amended to recite that the inflatable portion maintains a general U-shape due to air pressure in the inflatable portion. Further, the inflatable portion lacks a rigid frame structure. See Figs. 1-4, for example. The movable aft section includes a rigid portion defining a general U-shape. See Figs. 6 and 9, for example. The inflatable portion floats on the water and also supports the flexible, water-impervious, lower sheet section under the watercraft. The inflatable portion protects the watercraft from objects hitting the watercraft. The inflatable portion also does not itself cause damage to the watercraft due to its inflatable construction. The Examiner's attention is also directed to Fig. 13. Because the front portion is inflatable, ease of storage and transport is provided. No rigid frame structure needs to be transported, assembled, or dropped into or lifted from the water.

Amendments to the Drawings:

The sheet of drawings attached in the Appendix includes changes to Fig. 9. This sheet replaces the original sheet. The drawings have been changed as follows: One of the reference numbers 424 has been changed to 421.

The movable aft section of claim 1 allows for easy access of the watercraft into an interior of the storage apparatus. Due to the rigid portion defining a general U-shape, ease of movement of the aft section between a raised position and a lowered position is facilitated.

Faidi, cited by the Examiner, does not teach or suggest the combination of features recited by claim 1. With respect to Fig. 14, the entire structure of the Faidi apparatus is described as being inflatable. Fig. 14 of Faidi is an alternative to earlier designs such as Fig. 13 that include a rigid frame and a rigid gate (see column 7, line 7).

An inflatable movable gate as in Fig. 14 of Faidi is difficult to control under the water while a remainder of the device is positioned around the watercraft as the watercraft is moved into and out of the apparatus. Further, the use of a rigid frame as taught in other portions of the Faidi reference is not designed to protect the hull from contact with objects. A log could float in under the rigid frame. Nor does Faidi protect the hull from contact with the rigid frame of the device. Also, a rigid front frame is difficult to transport, assemble, and use. Transport from point of sale to the water is difficult. Also, storage of the device outside of the water requires more space than a device with an inflatable front.

For these reasons, Applicant respectfully submit the combination of the inflatable front portion, and the movable aft section defined by a rigid portion with a general U-shape is patentably distinct over the teachings of Faidi. Further, dependent claims 3, 4, 5, 7, and 8 add further features to claim 1 and are patentable for this reason. Claim 3 has been amended to recite the rigid tubing of the drop-down gate.

Faidi does not teach or suggest using rigid tubing and the air bladder and pump of claims 3 and 4 in the apparatus of claim 1.

Faidi does not teach or suggest the undershield that is attached to the inflatable portion below the lower sheet section as recited by claim 5. See Fig. 10B of the present application, for undershield 21. In addition, Faidi does not teach or suggest a check valve as recited by dependent claim 8. Sump 42 is not a check valve as recited by claim 8.

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Faidi in view of Wiswell, Jr. Claim 6 adds further features to claim 1 and is patentable for this reason. There is also no teaching or suggestion to add guidepost 19 of Wiswell, Jr. to Faidi. Elements 19 of Wiswell appear to be extensions of the rear closure unit. There is no teaching or suggestion of adding these features to any of the apparatus of Faidi.

Claims 9 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Faidi in view of EP360436. Claims 9 and 11 add further features to claim 1 and are patentable for this reason.

Claims 10, and 12 through 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Faidi in view of Wood. Claims 10, and 12 through 14 add further features to claim 1 and are patentable for this reason. Wood, Fig. 4, teaches a C-shaped member for holding a sheet B over a rigid tubular member 10. There is no teaching or suggestion for adding this feature to Faidi. There is no teaching or suggestion of how this structure would work on an inflatable portion as recited in claim 10. If the inflatable portion was deflated, the C-shaped member would fall off, maybe causing loss of the lower sheet if the device was still in the water.

With respect to claim 12, a rub guard is recited on an outside perimeter of the inflatable portion. Tube 10 of Wood is not an inflatable portion. Part 54 is not disclosed as a rub guard.

With respect to claim 13, the inflatable portion has a cylindrical cross-section between about 6.0 inches to 18.0 inches in diameter. Neither Faidi or Wood teach or suggest dimensions with respect to the inflatable portion. An inflatable portion with this dimension provides above the waterline protection of the hull against wave action and objects hitting the hull of the watercraft, including pilings and other boat dock structures. Neither Faidi or Wood teach or suggest an above the waterline function of the inflatable portion with these dimensions.

Claim 14 recites that the inflatable portion has a cylindrical cross-section at least nine inches or more in diameter. Neither Faidi or Wood teach or suggest the dimension of nine or more inches for the inflatable portion.

For these reasons, claims 10 and 12 through 14 are patentably distinct over the cited art.

Independent claim 20 was rejected under 35 U.S.C. §103(a) as being unpatentable over Faidi in view of Jackson '822. Claim 20 concerns a watercraft storage apparatus comprising a watercraft having a hull and a bow, two sides and an aft. An inflatable portion surrounds the sides and the bow of the watercraft above the waterline. The inflatable portion defines a maximum outside dimension greater than a maximum width defined by the sides of the watercraft. The inflatable portion defines a minimum inside dimension less than the maximum width defined by the sides of the watercraft. The Examiner's attention is directed to Figure 13 of the present application.

Claim 20 further recites a flexible, water-impervious, lower sheet section attached to the inflatable portion that envelops the under waterline section of the hull. A movable aft section is mounted to the inflatable portion that allows for entry and exit of the watercraft from an area bounded by the inflatable portion and the aft section.

There is no teaching or suggestion to combine Jackson and Faidi in the manner the Examiner states in the Office Action. The Jackson '822 patent is listed in the Background - Description of Prior Art section of the Faidi patent. Faidi is specifically critical of Jackson in column 2, lines 33 through 44. The entire device of Jackson is raised and lowered relative to the boat positioned over the apparatus. As noted in Faidi, column 2, line 41, these devices are complex, difficult to install, difficult to operate, difficult to maintain, expensive to produce and will not work in a deep water mooring since they rely on guide members mounted to the seabed floor. For these reasons, features of Jackson '822 are not combinable with Faidi since the devices in each are fundamentally different in operation (fully raise and lower vs. raise and lower a pivoting gate), there is no motivation to do so, and there is a direct teaching away by a reading of the Faidi reference. For these reasons, claim 20 patentably distinguishes the cited art.

Claim 21 adds further features to claim 20 and recites a detachable connection provided around the periphery of the inflatable portion for detachably connecting to the lower sheet. The Examiner rejected claim 21 as being unpatentable under 35 U.S.C. §103(a) over Faidi and Jackson and further in view of Wood as combined with Faidi as discussed in the Office Action. There is no teaching or suggestion to combine the teachings of Faidi with Jackson and further in combination with Wood for this detachable feature. There is no teaching to add the C-shaped member of Wood to an inflatable portion. For these reasons, claim 21 is patentably distinct from the cited art.

With respect to independent claim 27, the claim concerns a method for protecting a watercraft in water where an inflatable apparatus defines a U-shape with an inner area. Claim 27 was rejected under 35 U.S.C. §103(a) as being unpatentable over Faidi in view of Jackson '822. Claim 27 has been amended to recite that while the inflatable apparatus is floating on a top surface of the water, the watercraft is driven into the inner area of the apparatus. The watercraft is positioned within the inner area such that each side of the watercraft has an inflatable portion of the inflatable apparatus disposed directly under the widest part of the side of the watercraft and a water impervious sheet is positioned beneath all portions of the hull of the watercraft. The

Examiner's attention is again directed to Fig. 13. As noted above, there is no teaching or suggestion to combine Faidi with Jackson. Further, Faidi criticizes the device of Jackson. Jackson concerns a device which is submerged completely beneath the watercraft while the watercraft is moved into and out of the storage area. Faidi on the other hand teaches a device with a movable gate. However, Faidi does not teach or suggest the positioning of the inflatable apparatus directly under the widest portion of the sides of the watercraft. For these reasons, claim 27 patentably distinguishes the cited art.

In the Office Action, claims 22 through 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Faidi in view of Wood. Claim 22 concerns a watercraft storage apparatus including an inflatable portion having a front, two sides, and an inner area for receiving a watercraft and surrounding a bow and opposite sides of the watercraft. A flexible lower sheet section extends across the bottom of the inflatable portion between the sides. A detachable mounting arrangement between the inflatable portion and the lower sheet section is provided. A movable aft section is mounted to the inflatable portion that allows for entry and exit of the watercraft from the inner area. As noted above, there is no teaching or suggestion to provide the C-shaped member 54 around the tube 10 in the device of Faidi. Tube 10 is not inflatable in Wood. There is no teaching or suggestion how this would work with respect to an inflatable portion as recited by claim 22. For these reasons, claim 22 patentably distinguishes the cited art.

Claims 23 through 25 add further features to claim 22 and are patentable for this reason. Claims 23 through 25 concern the peripheral flap on an outside of the inflatable portion. The Examiner's attention is directed to Figs. 10A, 11 and 12, and flap 22. None of the cited art teaches or suggests these additional features.

Applicant has drafted new claim 29 to more particularly define Applicant's invention with its dual purpose in-water storage features. Claim 29 recites a method for protecting a watercraft both above and below the waterline. The method provides for an inflatable fender that surrounds the sides and bow of the watercraft and helps to prevent stationary and floating objects from coming into contact with the hull of the watercraft; a rigid movable aft section that provides ingress and egress; and a lower sheet that envelops the under waterline section of the watercraft's hull to protect it from biofouling. Applicant respectively submits that in this relatively crowded field of prior art there have been no teachings or suggestions of combining elements to protect a

moored watercraft both above and below the waterline by using the elements of the Applicant's invention. By combining the elements of a fender with an underwater hull enclosure, Applicant has achieved new and unexpected results not anticipated by the prior art. Providing for an inflatable collar that serves as a fender greatly advances the utility of an in-water storage device that not only has dual purpose, but can also be readily manufactured, transported and installed.

Applicant notes with appreciation the Examiner's indication that claims 2, 15 through 19 and 26 are allowable over the cited art. Amendments have been made to claims 11 and 16 to correct typographical errors.


Reexamination and reconsideration are respectfully requested. If a telephone conference would be helpful in resolving any issue, the Examiner is urged to contact the undersigned attorney at the telephone number noted.

Respectfully submitted,

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